

The Honorable Marsha J. Pechman

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STRIKE 3 HOLDINGS, LLC, a Delaware corporation,

Case No.: 2:17-cv-01731-MJP

Plaintiff,

**DECLARATION OF JOHN S. PASQUALE
IN SUPPORT OF PLAINTIFF'S MOTION
FOR LEAVE TO SERVE A THIRD
PARTY SUBPOENA PRIOR TO A RULE
26(f) CONFERENCE**

JOHN DOE subscriber assigned IP address
73.225.38.130.

Defendant.

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**DECLARATION OF JOHN S. PASQUALE IN
SUPPORT OF PLAINTIFF'S MOTION – (2:17-
cv-01731-MJP)**

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1 **DECLARATION OF JOHN S. PASQUALE IN SUPPORT OF PLAINTIFF'S MOTION**
2 **FOR LEAVE TO SERVE A THIRD PARTY SUBPOENA PRIOR TO A RULE 26(f)**
3 **CONFERENCE**

4 I, John S. Pasquale, do hereby state and declare as follows:

5 1. My name is John S. Pasquale. I am over the age of 18 and I am otherwise
6 competent to make this declaration.

7 2. This declaration is based on my personal knowledge and, if called upon to do so,
8 I will testify that the facts stated herein are true and accurate.

9 3. I am a Senior Project Manager with 7 River Systems, LLC a Maryland based
10 cyber security firm specializing in network security, data breaches, and the protection of secured
11 information transmitted across networks.

12 4. For over 30 years, I have worked in the IT industry, specializing in system and
13 network administration and project management.

14 5. I have consulted and advised major financial institutions and Fortune 500
15 companies on the management, security and implementation of major data centers, delivering
16 complex and large scale network projects.

17 6. I was retained by Strike 3 Holdings, LLC ("Strike 3") to individually analyze and
18 retain forensic evidence captured by IPP International U.G. ("IPP").

19 7. I received a PCAP from IPP containing information relating to the transaction
20 occurring on 09/05/2017 10:40:33 involving IP address 73.225.38.130.

21 8. I used a program called Wireshark to view the contents of the PCAP.

22 9. I was able to confirm that IPP recorded the transaction with 73.225.38.130 at
23 09/05/2017 10:40:33.

24 10. Based on my experience in similar cases, Defendant's ISP Comcast Cable is the
25 only entity that can correlate the IP address to its subscriber and identify Defendant as the
26 person assigned the IP address 73.225.38.130 during the time of the alleged infringement.
27 Indeed, a subpoena to an ISP is consistently used by civil plaintiffs and law enforcement to
28 identify a subscriber of an IP address.

1 **DECLARATION**

2 **PURSUANT TO 28 U.S.C. § 1746**, I hereby declare under penalty of perjury under the
3 laws of the United States of America that the foregoing is true and correct.

4 Executed on this 24th day of November, 2017.

5 **JOHN S. PASQUALE**

6 By:



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